

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 604

Introduced by Price, 26

Read first time January 18, 2005

Committee: Health and Human Services

A BILL

- 1 FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend
- 2 section 71-5707, Revised Statutes Supplement, 2004; to
- 3 require all licensed child care programs to be smokefree.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-5707, Revised Statutes Supplement,
2 2004, is amended to read:

3 71-5707. (1) No person shall smoke in a public place or
4 at a public meeting except in designated smoking areas. This
5 subsection does not apply in cases in which an entire room or hall
6 is used for a private social function and seating arrangements are
7 under the control of the sponsor of the function and not of the
8 proprietor or person in charge of such room or hall.

9 (2) With respect to factories, warehouses, and similar
10 places of work not usually frequented by the general public, the
11 Department of Health and Human Services Regulation and Licensure
12 shall, in consultation with the Department of Labor, establish
13 rules to restrict or prohibit smoking in those places of work where
14 the close proximity of workers or the inadequacy of ventilation
15 causes smoke pollution detrimental to the health and comfort of
16 nonsmoking employees.

17 (3) No person shall smoke at a site where child care
18 programs required to be licensed under section 71-1911 are
19 provided. ~~This subsection applies to a child care program located~~
20 ~~in the home of the provider only during times one or more client's~~
21 ~~children are present in any part of the home.~~

22 (4) Smoking is prohibited in all vehicles owned or leased
23 by the state and in all buildings, and the area within ten feet of
24 any entrance of such buildings, which are owned, leased, or
25 occupied by the state except as provided in subsections (5), (6),
26 and (7) of this section.

27 (5) The following buildings or areas within buildings in
28 which persons reside or lodge may be exempt from this section: (a)

1 Nebraska veterans homes established pursuant to section 80-315; (b)
2 private residences; (c) facilities and institutions under the
3 control of the Department of Health and Human Services; and (d)
4 overnight lodging facilities and buildings managed by the Game and
5 Parks Commission, but no more than twenty-five percent of the
6 overnight lodging facilities at each park location shall permit
7 smoking.

8 (6) Designated smoking areas not to exceed fifty percent
9 of the space used by the public may be established in state-owned
10 buildings at the Nebraska State Fairgrounds that possess a Class C,
11 I, or M license for the sale of alcoholic liquor for consumption on
12 the premises under the Nebraska Liquor Control Act.

13 (7) Smoking may be permitted in no more than forty
14 percent of the residential housing rooms or units owned or leased
15 on each campus under the control of the Board of Regents of the
16 University of Nebraska or the Board of Trustees of the Nebraska
17 State Colleges.

18 Sec. 2. Original section 71-5707, Revised Statutes
19 Supplement, 2004, is repealed.